Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the matter of:	)	
	)	
"Need for Speed" Information for Consumers	)	CG Docket 09-158
of Broadband Services.	)	
	)	

COMMENTS OF REC NETWORKS

REC Networks ("REC"), an unincorporated entity through its founder Michelle A. Eyre is a long time proponent for the Low Power FM ("LPFM") radio service from the original petitions for the service through today and into the future. REC also operates J1 Radio[1], an internet radio station presenting Japanese popular music and other cultural content. REC also has addressed the issue of broadband access, especially for consumers in rural areas.

J1 Radio is an internet radio station that operates a single 56 Kbps upstream stream to an upstream provider who then relays the stream from their datacenter. Therefore, our bandwidth need may seem very minimal when you compare it to other technologies currently being used today. However, for a small internet radio station to operate properly, the upstream bandwidth must be steady and consistent.

In November, 2010, REC relocated our operations from Tempe, AZ to Prescott Valley, AZ. In Tempe, J1 operated off of a Qwest digital subscriber line (DSL) circuit that operated at 1.5 mbps downstream and 768 kbps upstream. Our service was solid for upstream service. With the relocation, we were offered by Qwest a 7 mbps downstream, 1 mbps upstream service due to our

[1] - http://www.j1fm.com

close location to the central office (CO). While the DSL circuit between our location and the CO was a good solid 7 mbps connection as advertised, we experienced substantial outages starting at 11AM and running through until 11PM every day. This not only impacted the audio stream but it also impacted our ability to even surf simple websites. We have removed the service (for which we never received a full refund) and now are operating with an alternative solution that is much more stable.

One of the major problems is that when a broadband provider advertises a "speed", they advertise it as an "up to" speed, which means that you do not always get that speed. In Tempe, we experienced an "up to" speed (lower than the maximum advertised) on our upstream, but it will still acceptable. In addition, the advertised speeds are those between the DSLAM in the central office or the headend in the case of cable and the customer's premise; and does not reflect the overall speed that is within the control of the internet service provider.

While Qwest was able to deliver a 7 mbps signal between our location and their central office less than a mile away, they were not able to provide anything close to 7 mbps in their "backhaul" from Prescott Valley to their data center in the Phoenix area.

REC feels that there should be minimum standards for broadband providers to assure that consumers are truly getting the speeds that are advertised. We feel this can be done by broadband providers to disclose at the time of ordering what average peak (12PM to 12AM) and off-peak (12AM to 12PM) upstream and downstream speeds between the customer location and the backbone and update that data frequently.

Broadband providers, through their own internal practices will oversubscribe an area and many areas may be marketed for data rates where the backhaul may have not been recently upgraded to support the customer load. This was very evident after Qwest Communications started marketing an "up to 7M" DSL service for the same price point as a "3M" and a "5M" service. The adage was, give them what they can qualify for. What they tend to forget is that while a physical loop can handle up to 7M; that does not mean that there is backhaul from the central office to the backbone has the capacity for up to 7M for all of the customers who are subscribed to that VPI. This is exactly what we experienced with Qwest here in Prescott Valley.

As a consumer of broadband services, we feel that full disclosure should be made at the point of sale that includes:

- The estimated upstream and downstream speeds in kilobits per second from the customer site to the DSLAM/headend using actual loop qualification information then bottlenecked from the DSLAM/headend to the backbone.
- Two sets of estimates should be given, one for peak period (Noon to Midnight) and the other for off-peak (Midnight to noon).
- Disclose whether upstream or downstream service is a constant stream or is a burst.
- Services that use a method of shared bandwidth (e.g. Wi-Fi internet providers) should disclose that and take that into consideration when giving estimates. Unlike with a DSL connection, a shared bandwidth provider can have varying rates from the customer site to the ISP and then another varying rate from the ISP to the backbone.

We also feel that “need for speed” should also apply to rural areas who currently still do not have broadband services. Some communities in East Kern County still do not receive DSL service from Verizon California nor receive cable internet services from their respective cable providers. Many residents in this area are dependent on Verizon Wireless services and due to caps and metering of bandwidth, they are limited to how much data they can download every month thus providing these areas with a second class service. These rural customers have the true need for speed, any speed.

In conclusion, REC feels that broadband providers must fully disclose to consumer and small business customers better information on what kind of “speed” they will experience at the time of sale and should keep customers updated of average speeds in the area (such as their a customer portal with weekly or monthly updates of averages). In addition, we feel that there should be a standard in advertising speed that starts at the customer site and ends at the backbone, the last place on the circuit that the broadband provider has any control over.

Respectfully submitted,

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